

REMARKS

Applicant thanks the Examiner for his careful consideration given to this application and for the very helpful interview, summarized below, which was held on July 9, 2009. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 21-30, 32, 33 and 36-44 are pending in this application. Claims 21 and 36 are independent claims. Claims 21-30, 32, 33, and 36-44 are amended. It is respectfully submitted that all amendments are supported by the specification as originally filed. Reconsideration and allowance of the present application are respectfully requested.

Summary of Interview of July 9, 2009

A personal interview was held at the U.S. Patent and Trademark Office on July 9, 2009. The interview was attended by Examiner Steven Kim, Supervisory Primary Examiner Calvin Hewitt, and the undersigned. During the interview, the attendees discussed various strategies for addressing the rejections under 35 U.S.C. §§ 101 and 112. Possible allowable subject matter was also discussed. However, no firm agreement was reached on patentability.

Claim Rejections under 35 U.S.C. §101

Claims 21-23, 25-30, 32-33 and 43-44 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed for at least the following reasons.

Claim 21 has been amended to recite the use of “video processing equipment.” As such, it is respectfully submitted that Claims 21-23, 25-30, 32, 33, 43, and 44 are even more clearly tied to a statutory class. Therefore, Applicant respectfully requests that the rejections of claims 21-23, 25-30, 32-33 and 43-44 under 35 U.S.C. §101 be withdrawn.

Claim Rejections under 35 U.S.C. §112

Claims 21-30, 32-33 and 36-44 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Claims 21-30, 32-33 and 36-44 stand rejected under 35 USC §112, second paragraph, as failing to define the invention in the manner required. Applicant has amended all of the claims and believes that the amendments address the concerns stated in the Office Action. Additionally, Applicants note that the elements of Claims 27 and 44 are disclosed, for example, at paragraphs 25 ff. of the specification.

Therefore, Applicant respectfully requests that the rejections of claims 21-30, 32-33 and 36-44 under 35 U.S.C. §112 be withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 21-30, 32-33 and 36-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,892,900 to Ginter et al. (hereinafter “Ginter et al.”) in view of U.S. Patent No. 7,382,969 to Dawson (hereinafter “Dawson”). This rejection is respectfully traversed.

Applicant has amended independent Claims 21 and 36 to include the respective recitations, “sending complementary digital information corresponding to the main stream to the user, in response to information received from the user’s equipment upon initiation of viewing the main stream, during viewing of the main stream,” and “wherein the video server is configured to send said complementary digital information to a user, in response to information received from the user’s equipment upon initiation of viewing the main stream, during viewing by the user of the main stream.” This is supported at least by paragraphs 17 and 29-30 of the specification. Applicant respectfully submits that neither Ginter et al. nor Dawson discloses or suggests at least this element of the claims. For example, in Dawson (relied upon in the Office Action at page 14 as allegedly teaching the generation of the (modified) main stream and the complementary digital information), as discussed, e.g., at col. 5, lines 16 ff., the receiver receives both video components, video image plane 105a (which the Office Action equates with the main stream) and graphics overlay plan 105b (which the Office Action equates with the complementary digital information) in a common program stream 105. That is, the components

are transmitted and received together, and component 105b is not sent “in response to information received from the user’s equipment upon initiation of viewing” component 105a.

Therefore, Applicant respectfully requests that this rejection of Claims 21-30, 32-33 and 36-44 under 35 U.S.C. §103 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response other than such fees as may be indicated in an accompanying paper. However, if any further fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01124-US1 from which the undersigned is authorized to draw.

Dated: July 27, 2009

Respectfully submitted,

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